connecting said server to said terminal when the voice

communications terminate,

wherein said upper layer applications perform a

data communicating process from a status at a point

immediately before starting the voice communications when

the data communications are resumed,

and wherein step (b) is executed in the server

and the terminal.

In claim 11, line 6, please change "means" to --unit

--.

In claim 12, line 9, please change "means" to --unit

--.

R E M A R K S

It is noted with appreciation that allowable subject

matter was found in claims 7, 8 and 15 and these claims

would be allowable if rewritten in independent form

including all of the features of the respective base

claims.   There are no intervening claims.

Herein, these claims containing allowable subject

matter were not rewritten in independent format in the

respectful belief that base claims 1 and 9, as amended,

contain allowable subject matter.

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Claims 1-6 and 9-14 were rejected under 35 U.S.C. §103 for obviousness over Goldman (4,995,074) in view of Garland (5,812,656).

The independent claims 1, 9 were amended to indicate that the disconnection function is located in the sewer and the terminal. Such construction is based upon the original disclosure and drawings. New matter was not added.

The rejection of claims under 35 U.S.C. §103 for obviousness in view of the cited prior art, is respectfully traversed.

Garland discloses that communications are prioritized, and the connection for a communication which is under way is disconnected if an incoming call has higher priority. In particular, Garland describes that when the connection for a lower priority communication is disconnected, a message is sent. Garland also describes that the connection for the lower priority communication is automatically reestablished after a higher priority communication has ended. According to the description in col. 5, lines 55-65, it seems that the lower priority communication is initialized and a new connection is established.

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The applicant provides the following comments. Based on a program stored in an interface (hardware) <u>between</u> a modem and a switch, the <u>Goldman</u> system operates as follows.

In the case in which a call is originated by a telephone instrument connected to the interface while a data communication between a host and a terminal is performed by using the modem, the interface connects the switch and the telephone instrument, maintaining a carrier of the modem. Thus, a voice communication can be performed while the data communication is performed.

Based on a program stored <u>in a switch</u>, the <u>Garland</u> system operates as follows. If an incoming or outgoing request for a connection for a higher priority communication such as a voice communication is detected while a data communication between data terminals is performed, the data communication is <u>interrupted</u> so as to allow the voice communication to be performed.

However, constructions of the present invention are not disclosed in the cited references. In the present invention, temporary line disconnection means (corresponding to the interface of Goldman) is implemented in the form of a program of a computer (terminal), thereby allowing means for data communications to be controlled.

The temporary line disconnection means may be provided in the means for data communications in the form of software.

There are results in the present invention not achieved by the cited inventions. The present invention achieves flexible operations for sending/receiving a voice call, such as an automatic call based on an address list stored in a memory of the computer or means for data communications, a time-specified call, and an automatic re-call in the case of a line being busy. The present invention achieves the sending/receiving of a voice communications call in cooperation with data communications, such as a call to a telephone number included in the contents of the data communications. One of the examples thereof is the virtual data communication (which permits a user to assume that voice communications and data communications can be performed simultaneously) as set forth in claims 7, 8, and 15, the patentability of which was recognized by the Examiner.

The present invention does not need an interface of hardware as disclosed in Goldman.

Unlike Garland, the present invention does not require making a change in software of a switch.

The present invention brings about the above-mentioned effect because the temporary line disconnection means is implemented in the form of software in a computer (terminal) [or means for data communications].

The Goldman system is implemented by software _in the interface_ between the modem and switch, and the Garland system is implemented by software _in the switch_. Even if Goldman and Garland are combined, it is not easy to arrive at implementing a system by software _in an end terminal_ (computer) [or in a modem (means for data communications)]. Furthermore, a system resulting from the combination of Goldman and Garland requires providing a device between the modem and switch as disclosed in Goldman.

As stated above, the claims were amended to specify that the temporary line disconnection means is provided in a computer (terminal) [or means for data communications], [and the temporary line disconnection means is implemented in the form of software].

That is, the claims now specify that the temporary line disconnection means exists within a terminal or server.

For these reasons, it is respectfully submitted that the present invention as defined in the rejected claims is

not suggested nor made obvious by the cited prior art;
taken alone or in the suggested combination, and the
rejection under 35 U.S.C. §103 is inappropriate.

An earnest effort has been made to be fully responsive
to the Examiner's objections. It is respectfully believed
that independent claims 1 and 9 are in condition for
allowance as well as claims 2-8 and 10-15, dependent
respectably therefrom. This amendment is not believed to
add new matter, raise new issues, or require additional
searching on the part of the Examiner. Entry of the
Amendment and passage of this case to allowance are
earnestly solicited.

However, if for any reason, the Examiner should
consider this application not to be in condition for
allowance, it is respectfully requested that he telephone
the undersigned attorney at the number listed below prior
to issuing a further Action.

Any fee due with this paper, not fully covered by an enclosed check, may be charged to Deposit Account 08-1634.

Respectfully submitted,

[ ] Aaron B. Karas
     Reg. No. 18,923
[ ] Samson Helfgott
     Reg. No. 23,072
[x] Leonard Cooper
     Reg. No. 27,625

HELFGOTT & KARAS, P.C.
EMPIRE STATE BUILDING
60TH FLOOR
NEW YORK, NEW YORK 10118
(212) 643-5000
Docket No.: FUJO 14.691
LC:fia:14.691

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